

THE
CRIE OF BLOOD:

OR,
A Confutation of those
Thirteene Reasons of the *Fel-*
cers at Westminster, for the mainte-
nance of their illegall *Capias*
for Debr.

By which is discovered the great
benefit and freedome that will accrew
to the people of the Common wealth
by the reformation of that de-
structive Law.

Luk. 11. 46. *Woe unto you Lawyers, for
ye lade men with burthens grievous to be
borne, &c.*

By Joh^t Jones of Neyath in Com.
Brecon. Gent.

L O N D O N,
Printed for Thomas Matthewes,
at the Cock in St. Pauls Church-
yard. 1653.

THE CRIE OF BLOOD:

A Consultation of those
Tristate Relations of the
State of New Jersey, for the
purpose of their legal
for the

By which is discovered the great
injustice and wrong done
to the people of the
by the
for the

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By John Jones of New York in Com.
for the

Printed for Thomas Mather
at the Book in St. Paul's Church
and 1855



To his Excellence

OLIVER CROMWEL,

Lord General of the puis-

sant Armie of the PARLA-

MENT OF ENGLAND.

Renowned Sir!

AS your Com-
mand is gene-
ral, so are your
cares, troubles, sufferings,
actions and endeavors all

A 3

ge-

The Epistle

general, for the general
good of this Nation in ge-
neral: Nor is the case and
number of the Prisoners
for Debt in *England* and
Wales, for whom you
have been, and are a sol-
licitous, although yet im-
prosperous mediator to
the House of Parliament
so small a particular, but
that as the prudent King
Philip of *Macedon*, who
accounted his body but
small to the rest of his en-
dowments, and knew

Dedicatorie.

it to be mortal, desired
to be daile remembred
he was mortal; to the
end he should not more
glorie in what he had
well done, than persevere
in well-doing, and fi-
nishing his wel-begun
enterprises; that so he
might immortalise his
fame, and illustrate the
faculties of his immortal
virtues, that posteritie
might speak of him, not
like Pythagorists of their
master, *ipse dixit*; but *ipse*

A 4 *fecit*;

The Epistle

fecit; nay more, ipse per-
fecit. I hope likewise
your Excellence will not
be offended with me one
of the heartiest, though
of the meanest of your
Honors, wel-wishers, to
mune you of the neg-
lected miseries of the said
prisoners now; more
then ever, likelier to be
continued and increased
then relieved, or abated
by the generation of
Lawyers, overwaying
the mildeness of thole

fecit

A

Par-

Dedicatory

Parliamentary Members
that have long promised
you to be careful to
set Prisoners and dis-
hasten their enlargement
out of their wrongful
imprisonments, which
if you see performed, as
hereafter is desired, will
be an action of no less
Divine than Charitie,
and no less profit their
Honour to your self
in particular, and
the Commonwealth in
general. The Officers in
A 5 Law

The Epistle

Law have lately presented
the Parliament with
93. Reasons for the
maintenance of Arrests
and imprisonment for
Debt, contrary to Magna
Charta, and the Petition
Right, as I have already
proved elsewhere, and re-
pugnant even to Reason
it self, as I have here fol-
lowing farther declared
in answer to their said
Reasons in the Prisoner's
behalf; in which, and
whose names I likewise
w^{as}. I 2 A humbly

Dedicatorie.

humbly dedicate the same
to your Honor, with a
copie of the said Reasons
hereunto first annexed
as it came to my hands,
and next an answer to
their preamble and
afterward particular an-
swers to their particular
Ratiocinations and
lastly, the Prisoner's
humble Petition to your
Honor; all which I
could not have read be-
fore Colonel Pride's de-
parture (whom God
prosper)

The Epistle

prosper in your Service,
and the Commonwealths, whose welfare
hee preferreth above all
(worldlie ends) but have
now presumed to send
them unto you; beseech-
ing your Honor that
your Lieutenant General,
Colonel *Electwood*, (a
man of no less worth
then eminence) or some
other like publike spirit
may act in this matter,
and others of the like
nature in your Honor's
(reqlorq absence

Dedicatorie.

absence according to
your directions, and the
people's necessitie from
time to time, that no op-
portunitie bee lost, and
more lives of Prisoners
bee saved, and your care
thereof to the uttermost
expessed.

*The Lord President of the Council
of State, and Col. Martin are con-
ceived to bee no less willing then
able to procure such a Commission
as the Petitioners desire, and Law
would afford, if your Honor would
be pleased to write to them, which
I humblie submit to your Honor's
consideration.*

*So wisheth your
dailie Orator,
John Jones.*

Dedication.

abstain according to
your directions, and the
people's necessities from
that time, that no op-
portunity be lost, and
more lives of Pilgrims
be saved, and your care
thereof to the utmost
expended.

The First President of the Council
of State, and Col. Martin
desired to see no less willing
able to receive such a Commission
as the Petitioners desired, and that
would afford it your Honorably
to please to agree to them, which
I thought I should not
omit.

Wm. Blount
of the Council
John Jones



in this Nation; and therefore
REASONS for the con-
 tinuance of the process of
 Arrests, for the good of
 the Common-wealth.



His proceedings by
 waie of Arrest at
 the King's Suit;
 and in all actions
 that were Quare vi & Armis,
 between the subjects, are as an-
 cient as the Common Law of
 this Land; but the process for
 the people in other Actions, was
 Summons, Attachment, and
 distress, which Cours, as to re-
 cover Debts, did prove dela-
 torie,

Reasons for the continuance
tort, and many times fruitless,
to the great hinderance of Mar-
chandise, and other Commerce
in this Nation; and therefore
former Statutes did pro-
vide as appears by diverse Sta-
tutes) the writ of Capias in an
Arrest as a full remedie, and
most necessarie for this Common-
wealth. 3 Rep. 12. ~~Herbert's~~
Herbert's Case. 53 Hen.
in Accompl. 1267. 25 Edw.
c. 17. An. Dom. 1350.
Becaus attaching the per-
son doth secure the Petitioner's
debt, either by present payment,
or causing other satisfaction,
which the proceedings by sum-
mons do not; and as a man
will give all for his life, so hee
will do much for his libertie.

of the proceſſ of Arrest, &c.

2. When men are detained upon the Arrest (which is but ſeldom, for few are arreſted to compariſon, and then) it is ordinarily but for a ſhort time, until they have given ſecuritie to anſwer the Action, or ſom warrant to appear.

3. If men may not proceed by Arrest, it will much hinder Trade, and other dealings; for men will not adventure to truſt, where there is much libertie for the debtor to ſtand out; and Merchants, and Tradeſmen manie times look upon the Perſon as the beſt ſecuritie, and the remedie by Arrest, the ſpeedieſt to gain their debts; without which Trade will neceſſarily decaie.

4. The

Reasons for the continuance

4. The process to Arrest, doth end most suites before the Person bee attached, and before appearance, as experience doth shew; for when men will not regard a summons, they will take course before they will suffer an Arrest, 52 Hen. 3. cap. 23.

5. Men will take occasion from the summons (as formerlie they have done) to be gon from one Countrie to another, and to make awaie their estates, and though the Plaintiff know it, yet hee cannot help himself, which the Arrest doth prevent: And the Law-makers of this Land have ever held it more reasonable to provide for the satisfaction of the Creditor, then the libertie of the Debtor.

6. England

of the process of Arrest, &c.

6. England is an Island compassed with manie Port Towns, where there are manie Merchants, and men that go abroad, and trade by Sea, who bind wares upon Credit, there wil bee continual occasion of suits against diuers persons of this sort, who will not much regard the summons, but will berake themselves, and their estates, to Sea again, and the Creditor can haue no remedie, whereas if the parties were bee attached, they wil make satisfaction, touching such of bad policy. Whereas diuers tradesmen subsist upon their Credits, and take up great summes of money, for which they can giue no other securitie then their
(3312a) per-

Reasons for the continuance
persons, and by advantage
thereof, manie times attain
to great estates; but if the pro-
cess of arrest bee taken against
they can hope no more to be in-
trusted, which apparently leads
to their ruine: nor soe did Iudges
and 8. And that proceedings
by Arrest maie not seeme at all
cruel, or unjust; wee find both
presidents, and approbation of
the like, and greater severitie in
the Old and New Testament;
as selling the Debtor, his wife
and children, and all that hee
had to make paiment, and of
taking, and casting into prison
for debt, until the utmost farthing
was paid: And yet this course
was not condemn'd amongst the
Romans, (so much they loved
Justice)

of the process of Arrest, &c.

Justice) nor by Christ himself
in the New Testament, who
bid's agree with thy adversarie
before thou com to the Judge:
And God, who will have that
which is right to be don among
men, was verie careful that his
own people should paie their
debts; and therefore if any
were indebted, though they were
poor, and could not paie, yet the
Creditor might take the Debtor,
and his Children to bee his ser-
vants and bond-men; and
might take their Garments
from them, and the bedding
whereon they did lie, from under
them, which was a far greater
punishment then our light Ar-
rests; for the Prison, with us,
is but a gage, or pledge, until
the

Reasons for the continuance
the defendant take courſe to an-
ſwer the Action. Mat. 5. 25.
Mat. 18. 30. 2 Kings 4. 7.
Levit. 25. 39. Prov. 20. 16.
Prov. 22. 27.

9. Men ordinarilie begin
Suits upon neceſſitie, and Deb-
tors generallie are called upon
before anie ſuit is commenced:
which indeed is in the nature of
a ſummons; but yet neither this,
nor the writ of ſummons doth
drive men to take anie courſe, un-
til the proceſſe of Arrest iſſue
forth, being more compulſorie,
and a more ſpeedie remedie for
the Creditor, then the milde,
and gentle ſummons was found
to bee, (as appear's by ſundrie
Statutes, 19 Hen. 7. cap. 9.)
which are more provisional for
the

of the process of Arrest, &c.

the Creditor, who is alwaies out of his monie, then for the Debtor, who seldom well spent it, or hath care to repaie it.

10. And if by anie new waie, upon meer summons onlie, and default; Judgmen^t shall bee had before appearance, (which cour^s the Law doth not countenance) then the grand pillar of our Common Law, the Trial by 12. Men (which the Law doth much honor and favor) will fall to the ground; for much business will rest whollie upon the Affidavid of a summoner, or the like, which will bee a means to multiplie suits, and is an unsure cour^s, and will induce more perjurie into this Nation, then our Law would ever before this time
give

Reasons for the continuance
give an inlett unto: And
therefore former Parliaments
providing against delays by
summons, did not give Judg-
ment upon default, but found out
a speedie remedie by Arrest
to bring the Defendant to his
answer.

¶ By the Law a Capias ad
satisfaciendum, doth not lie,
but where there is a Capias ad
satisfaciendum first: and
there is as great reason and e-
quitie for the Arrest to answer
before Judgment, as for the
Arrest to satisfie after Judg-
ment, because the Capias ad
respondendum doth compel the
defendant to take notice of the
action, to which hee may plead,
if hee will, and doth secure him
that

of the process of Arrest, &c.

him that hee shall not start, so that when the Capias ad satisfaciendum doth issue forth, there is left no color of just exception for the defendant: but on the other side, if Judgment shall bee entred upon a supposed summons, there will bee manie grievous complaints, and the succeeding evils will hardlie bee redressed; manie will bee undone, and suits will bee multiplied.

12. Experience doth shew that the benefit of the process of Arrest hath been verie great to this Common-wealth: and all the Statutes have mentioned it from time to time, and have given a larger extent unto it, then be-
B fore

Reasons for the continuance
fore it had, and none have
abridged it in anie thing,
which is now of great anti-
quitie, having been for ma-
nie Ages the best remedie
(for the People to recover
their Debts, and to compose
other differences) that our An-
cestors could devise. Anno
Dom. 1267, 1350.

13. Lastlie, The subtiltie
and subterfuges of Debtors
having made the process
of Arrest now more neces-
sarie then formerlie, there
will be reason rather to add
to the remedies provided
for the Creditors in former
Parliaments, then to dimi-
nish them: And if anie in-
conveniencie by this so ne-
cessarie

of the process of Arrest, &c.
cessarie a course happen to the
Debtor, yet will the taking it
awaie prove more preju-
dicial to the Plaintiff,
who is the partie inju-
red, and in reason
his case to be pre-
ferred, and fa-
vored.

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THE



THE CRIE of BLOOD.



THE first part of this Preamble is far from the matter: Wee confess, Arrests by *Capias*, without Summons, for Treasons, Murthers, Felonies, and Trespasses, don *Vi & Armis*, or *Contra pacem*, or *Formam Statuti*, as Extortions, and all Frauds, and Injustice, don under color of Office and Justice, to bee lawful, and as antient as the Common Law of this Land; and more antient too, becaus such offences were committed before

2 *The Crie of Bloud.*

the Laws were written, or made in those cases, or thought upon, upon, to punish the past, and prevent the future. By the Law, wee know the sin that was before it; and by the due courf of Law, the courf of sin ought to bee flaid or corrected. But what is this to a debtor, which groweth neither *vi & Armis*, nor *contra Pacem*, nor *contra Formam Statuti*? for recoverie whereof, against able debtors, the Statute of *Westminster 2. cap. 18.* And the Common Law before that, provided remedies, the procefs, or proceedings whereof were by summons, attachment & distress, (as our adversaries confess) which courf, if Antiquitie can meliorate, is far antienter then the *Capias* for debt, which they make no elder then the repealed Statute that gave it, 25 *Ed. 3. 17.* which the
same

same King annulled the 3. and 17. years next after, viz. 28. and 42. of his Reign. The delatoriness alleged in the count of Summons, is a deceitful information, and an untrue report made to the High Court of Parliament; which were it to an inferior Judicature, deserveth no less punishment, then the Informers, to bee imprisoned a year, silenced for ever, and fined, and ransomed at the State's pleasure, *Westm. 1. cap. 29. 3 Ed. 1.* For the truth is, there can bee no speedier waie devised, considering Actions of Debt by Common Law, and many Statutes, ought to bee laid in the proper Countie wherein the Defendant dwelleth, and hath, or hath not wherewith to paie; where the Sherifft having his Justices, which is the onely proper writ for debt, is a Commission to

4 *The Crie of Bloud.*

hold plea above fortie shillings, and is to summon, attach, and distrein, and do execution according to the verdict of the Jurie, if in an Hundred Court, in three weeks, allowing fifteen daies, as Law requireth, between Process and Process; which three weeks between Court and Court, may fully afford, and that is no long delaie, in comparison of what is usual at *Westminster*: or if in the Countie Court, three moneths, or twelve weeks doth the same. But if the Action bee laid in, or removed to the *Common Pleas* at *Westminster*, (which ought not to bee don, or suffered, without injustice, or partialitie, proved, not alleged in the Sheriff) they cannot determine the Action under three Terms, which is not the fault of the courf of Summons, which requireth but
• fifteen

The Crie of Blond. 5

fifteen daies between Process and Process; but the fault (more then delatorie) of the court at *Westminster*, which requireth long Vacations between Term and Term, and removeth more Causes thither in one Term, or Vacation, then they can end in seven.

And where they saie, Summons are many times fruitless; that is never, except the Debtor hath nothing to bee summoned by, & so ought not by any Christian Law, to bee looked after, but with eies of charitie. And why Merchandise and Commerce in this Nation should bee hindered for want of a *Capias*, to arrest and imprison non-solvents to death, cannot bee truly demonstrated by any Christian reason, since all men know, that all other Nations as well Heathens, as Christians, who

B-5

never

② *The Crie of Blond.*

never admitted so impious a remedie to recover debts, as the *Capias*, finde no hinderance of Trade or Commerce amongst them, but onely the Trade of Lawyers and Liers, whereof the fewer make the better Commonwealth.

That former Parlements provided the *Capias* for debts, as a full and most necessarie remedie for this Common-wealth; and that divers Statutes affirm so much, appeareth to bee these men's additions to their former mis-informations, and endeavors, to abuse this Honorable Parliament: For it was but one Statute that ever provided this *Capias*, and that is long since repealed as aforesaid, and so continueth by more then thirtie three Parlements and Statutes. Neither doth that Statute shew any caus for its provision, making,

making, beeing, or necessitie of its continuance, or hath any Preamble at all (as all necessarie Introductions of Law usually have) but pinneeth it self to the Statute made for Accomptants, viz. Lords, Bailiffs, Rentgatherers, and servants, that cheated their Masters of their rents, and monies committed to their trust, to collect and accompt for, contrarie to all Laws, Justice, Equitie, Mercie, and common honestie; all which they falsified, and converted their Master's monies to their own use; which to answer unto by due cours of Law, they commonly durst not abide, for shame, more then for the debt, and therefore became Fugitives from their acquaintance: so that the *Capiat* was necessarie to fraie, and fetch them to accompt with their Masters.

But

8 *The Crie of Bloud.*

But this pinning, or relating this Statute to that, seemeth to bee (as Master Cook writeth thereof) the work of som corrupt Lawyers, Members of that Parliament, that passed it unexamined, except by a Committee, which they over-ruled; and that is in a few words, so huddled up amongst other things, as they might bee as soon forgotten by the hearers, as read by the Impostors: which practise they have used for the unspeakable advantage in all Parliaments that trusted them; God bless this from the like, and grant it bee not too late wished. Howsoever, that venerable Judge, and Autor of the *Mirror of Justice*, pag. 283. ca. 5. sect. 7. condemneth this *Capias*, and declareth it to bee contrarie to Law; and sheweth reasons therefore, both there, and p. 108. where.

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where the Action for accompt is debated, and declared to bee mixt, in regard of the trust and deceit of the Accomptant; deserving therefore to bee prosecuted so far, as to bee forced to an accompt: but for the debt, more then hee hath wherewith to satisfie, the Law requireth nothing of him that hath nothing; and giveth no recoverie, nor other remedie then revenge, which God calleth his own. And both this Author, and the Lord Coke, in the *Third part of his Institutes*, agree, that the acting and mainteining of things contrarie to Law, as Law, or lawful, is a subversion of the Law, and that is no less then High Treason against this State and Common-wealth; which case is our adversaries, whom wee hereby impeach thereof, and crave direction and assist--

10 *The Crye of Bloud.*

assistance, to indict and prosecute them according to the known Laws in that behalf; So far as they may not lose the honor of their Antiquitie, which they press so much for; and wee confess, that for the mysteries of its craft, it hath exceeded the Sciences of all their Progenitors in their severall faculties; for in the art of men-catching, there are of them many an one, who exceed,

1. Three Bum-Bailies, who by virtue of their *Capias*, can commonly catch but one by the poll at once, nor that without *vi & Armis*, and loss, or hazard of lives, by the furie of their passions, while our Chamber-Officer can make threescore *Capises* to catch five times threescore persons without any danger of his own, except by the wrath of God, which few of them
ever

The Erie of Bloud. II

ever feared, but are all emboldned by his patience, to attempt the catching of a whole Parliament of most wise Senators at once, to becom subject in themselves, or their posterities, to this Purs-net, perswading them to father, and maintein this Bastard *Capias*, which knoweth no difference between a Parliament-man, and another, or between his friend and his foe.

2. In the Art of Ambition, they exceed their Father the Devil, who did but attempt to bee Lord of Hosts, whilst these men becom Hosts of Lords, and still covet to enlarge their Dominions.

3. In the Art of Murthering, they exceed their brother *Cain*, who killed but one *Abel* in all his life time, and for that one offence, had the curse of God upon him and his seed for ever; while

12 *The Crie of Bloud.*

while these men daily murther many of their brethren with fals Judgments, and solace themselves with Angels, defile their hands, and fill them with bloud, yet would bee heard in Parliament, when God telleth them hee will not hear them, *Isa. 1. 15.* and bid's them fill up the measure of their Fathers, that upon them may com all the righteous bloud of the Earth, from the bloud of *Abel, &c. Mat. 23. 32. 35.* and *Luke 11. 50, 51.* concluding *v. 52.* *Wo unto you Lawyers,* for you have taken away the key of knowledg; you entred not in your selvs, and them that were entring in, you bindered: Which Scripture, wee conceiv, may bee fitly applied to our *English Lawyers*, who have taken away the English of our Laws, which was the key of our knowledg therein; And entred not
into

into the truth thereof themselves; and them that would, they hindered, until this happy Parliament righted us in that, sore against their wils, and will as wee hope, and they fear, further right and free us from their bondage, finding that now they have filled the measure of their Fathers, that upon them may com, and from them may bee required all the righteous bloud of prisoners for debt, from the bloud of the first Free-man of England, imprisoned for that caus, to the bloud of the last that shall perish in prison for the same.

4. In the Art of Treason, they exceed *Judas*, who with one kiss, betrayed but one Master, to a death fore-ordained by God's Providence, for the life of the world, except his desperate betrailer, and other unbelievers

14 *The Crie of Bloud.*

believer's children of perdition; while these men by their daily prevarication, and changing their notes, since they have deserted the Canonical Organs, and Psalmistical Harmonies, to the tune of the Organical Canon, shrill Trumpets, and rattling Drums, siding with the strongest Faction in Wars, as with the richest partie in Peace, till they have betrayed three Commonwealths to manifold deaths, avoidable by the mercie of God, and Praiers of men, except these impenitents that harden themselves in their wickedness, do stir up others to second them of seditious and implacable spirits, sons of *Belial*.

5. In the art of Impostors, they exceed the Pope, and *Mahomet*, who by their impostures endeavored but to counterfeit Christ's Miracles, and make those
coun-

counterfeits failable at high rates, thereby to diſestimate his truth, and prefer their own inventions, and to eclips his kingdom of grace, that they might ostentate themselves in too of Vain glorie; whilst these men having disguised our Lawes in Forraign languages, made them vendible to our selves at their own prices, and thereby have subjected the seven liberal Sciences, and three free Kingdom's of severall free Nations, to their unlimitable impudence, which being over-ruled for the language they intend to maintain, and augment in price and jurisdiction, and settle themselves in one tyrannical Monarchie, as arbitrarie, as intolerable, and as slavish, as mercinarie. And contrarie to *Magna Charta*, and were ever since the Court called the Upper Bench, hath imposed
it's

16 *The Crie of Bloud.*

its iudicature in matters of Debt, and other Common Pleas, expresse forbidden them, and taken out of their iurisdiction; and both it, and the Common Pleas, impose their Iudicature in cases of Tithes, expresse taken out of their iurisdiction by several Statutes, and given to the spiritual Courts, which (though now suppressed) their iurisdiction ought not to bee resumed but by the Parliament, nor executed without an Act for that end.

6. In the Art of Perjurie, they infinitelie exceed Peter, who forswore himself but once, and when he heard the Cock crow, went out from the Maid that urged him, wept bitterlie, repented him of his sin, and resolved to do so no more: whilst these men forswear themselves daillie; and when they hear their Pockets ring, go in to their Wenches, with

with whom they interchange deceitful imbraces, and seem to laugh merrilie, persevere in their wickedness, and implore a Parliament to countenance, and continue them in condition to do so still.

7, 8, & 9. In the severall Arts of Extortion. Bribing, and Prevarication, they exceed the notorious Judges, *De' Burgo Treilian, Bremble, Thorpe, &c.* as well in their takings, as in their numbers; for as those were few to their manie, and *Thorp's* taking was but 100 l. from manie hands; how manie hundred pounds taketh one of them from one hand? wee can witness too well, and others may compute by the increas of the price of an *habeas Corpus*, Error, &c. And the necessitie of divers parties to make frequent uses of those instruments, more to avoid Justice, then

18 *The Crie of Bland.*

thoſe to deſire it: whereby the
peruſarication, Ambodexterſhip,
and Legerdemain of theſe men
dailie appeareth more and more
by their impairing of their Cli-
ents to improve themſelvs; manie
men of manie thouſands beeing
brought ſuddenlie to nothing,
and moſt of them from nothing
to manie thouſands *per annum*.

10. In the Art of Commuta-
tion they exceed both Cano-
niſts, and Civiliane, who com-
muted corporal penances to pe-
cuniarie, paialle out of perſo-
nal eſtates, while theſe men
change Treasons to treſpaſſes,
and Treſpaſſes to treasons at
their pleaſure, and make debt
guiltie of death, ſurer, though
ſometimes ſlower then Treason,
or Miſdemeanor whatſoever,
and men's eſtates as well real, as
perſonal whollie their own.

11. In the Art of Transfor-
mation

mation they exceed Chamelions, who can bee of anie colour but white, expressed in Scripture to bee the immaculate investiture of Angels: These men can seem of all colours to suit with all predominations, though never so divers, and all contraries, and turn the Law for all their turns, and arrogate most trust when they are most treacherous, and face themselves with the truth of Saints, when they are as false as Devils.

12. In the Art of Counterfeiting, they exceed both Alchymists, and Coyners, of whom the first counterfeit, but Gold, and Silver, and turn more Gold to brass, and Silver to lead, then Copper to Gold, or Lead to Silver: And the second Counterfeit, but Pictures, whilst these men counterfeit Justice, Equitie, and Lawes, more concernable then

then Metals, to God and Man; and fix mens substances, more considerable then their pictures, upon themselves, and their heirs.

13, & 14. In the Arts of Forgerie, and Fraud, they exceed all Coiners of fals Monies, and Counterfeiters of Letters, and Tokens; whom, if they catch with such misdeameanors, they somtimes severelie punish, and somtimes pass over sleightlie, or excuse artificiallie, as may most conduce to their profit, or concur with their practise, whilst they themselves make it a chief part of their office to forge the returns of Sheriffs and Coroners of several Writs, and to file them for true Records, and due proceedings of Law; whereupon follow Judgments, Executions, and Imprisonments to manie thousands, to their utter undo-
ing

ing, and for want of summons, Attachments, and exigents duly executed, and returned by those Officers who never see them, yet are answerable by Law for those fals Returns made unknown to them, and the Forgers thereof, as of all other fraudulent deeds which cannot be drawn, ingrossed, antedated, and contrived advisedly without them, or some of their Counsels, ought to be punished for the same, for which they are never questioned; but contracting the greatest Forgeries, wherein they are actors, pass for good deeds and onlie those trifles that want their skill, and privitie, are made great, or dear offences.

15. In the Art of Lying they exceed the men of *Creet*, and *Chozeba*, who (as is written, 1 *Chron.* 4. 22.) were also Ancient, as these men would be accompted;
C for

22 *The Crie of Bloud.*

for those but as Men and Heathens, lied but to men in humane things, whilst these men, as Devils, lie unto God, and in contempt of his Divine Word, and Deitie, as shall appear hereafter.

16. In the art of Simonie, they exceed *Simon* himself, who would have bought, for his monie, the Gifts of the Holie Ghost, and intending the Apostles favor, purchased their indignation: whilst these men have, with their Monie's, purchased their Offices, and all the said gifts of the Devil, to execute them, and by the same endeavor to acquire the favor of manie other corrupt members, who (wee hope) shall not bee suffered long to abuse the rest of this happy Parliament.

17. and 18. In the arts of Rapacitie, and Tenacitie, the
Catch

Catchpols and Gaolers exceed Lions, and Tygers, and their Gaols and Dungeons Heaven, and Hell, for Lions will favor their friends, and Tygers their neighbors. And Heaven will neither take, nor receive anie but God's Elect; nor Hell anie but Reprobates; but Catchpols, Gaolers, and their Gaols catch, and receive all men they can sue, and count all too few, and keep them in their pawes, and caves, while they are worth a farthing.

And thus having suppediated their Proöm with eighteen descriptions of their properties that appropriate to themselves all our proprieties, and so supernumerated their 13. false Reasons for the supportation of their innumerable falsities, wee shall descend to list those Reasons as followeth.

24 *The Crie of Bloud.*

but. The first is all false; for the attaching of persons secureth no part of the Plaintiffs debts by payment, or other satisfaction, but commonly their debtors bodies to miserable deaths, and their estates from their heirs and creditors, to Lawyers and Officers: For the proceedings by Summons, wee have answered before. And for Prisoners that are able to give for their libertie to their Gaolers, they have as much as they desire and paie for out of their creditors rights, and their own Frie, and not the Plaintiffs, or their heirs, have their Gaoler's leaving.

but. The second is like the first; for it is not a few, that are detained for debt, when Sir Jo. Lenthal hath in his custodie or like one thousand persons; the Warden of the Fleet as many, the Gaols of London, Westminster, and

The Crie of Bloud. 25

and Liberties adjoining, few
less; and, in the rest of all the
Gaols of *England* and *Wales*,
will bee found many more. They
that accompt so many few, de-
clare their desire is to have all
the Free-men of *England* and
Wales (except themselves) in the
same case; why? and with
whom els do they make the
comparison, but becaus they
conceiv there are more persons
out of prison, then in; their
detention is not seldom, but
frequent, and so are murthers,
and hurts, committed as well
before, and at, as after arrests;
by reason thereof, they are not
deteined for a short time, but
ordinarily till death as aforesaid:
Warrant of Atturnie, if they
need any Atturnies, they ought
to give to whom they pleas, and
not to whom any Court appoin-
teth. And for appearance, no

26 *The Crie of Blood.*

Free-man oweth it to any Court out of his Decenarie, Hundred, or Countie.

3. The third is but a block-head-ship's Proöm, as untrue as the former, and so demonstrated in our answer thereunto before. No Trade but Lawyers, nor such, but *Westmonasterians*, will bee hindered by taking away the *Capias*. It was the lawless use thereof, that caused more Usurers then Merchants, to look after men's persons: It never was, nor could bee the speediest waie for Plaintiffs to gain their debts, but the most delatorie to recover, and the most readie and usual to lose them; so as the repetition of the decay of Trade, if the *Capias* were taken off, is but tantologie for want of reason, and an abuse of Parchment, to bee offered such untruths, to hear, or look upon,

upon, punishable as aforesaid.

4. The fourth is as bad as all the former; for the attaching of a man's person, where hee hath neither means to paie, nor friends to bail, produceth no end but Imprisonment, Summons, and Attachments of men's goods, where they have to paie, conduce to the speediest end between Debtor and Creditor: Hee that hath of his own to paie, will regard Summons, lest if that hee bee attached, hee shall lose all, and if submitted to his Creditor's mercie, hee may save som. Hee that hath enough, or more then sufficient to paie his Creditors, of his own estate, will neither regard Summons, nor fear Arrest, but desire it, being sure of what Libertie hee pleaseth, paying his Gaoler, and to leav what his Gaoler leaveth, to whom hee

28 *The Crie of Bloud.*

list, as aforesaid; whereby more Creditors are cheated, then by any other deceit, and more undone, then debtors of that kinde, who commonly live too plentifully, and leav somthing, when their Creditors have nothing whereby to live, or whereof to leav.

5. The fifth is as untrue as the rest; for a debtor that is worth the Summoning, can live no where better then in his Decenarie where hee is best known, and hath his pledges answerable for his honestie; nor can hee transfer his estate to any other Countie but to his loss: And his avoiding the due course of Law, is a misdemeanor that depriveth him of the benefit thereof; which beeing certified by a *Testatum*, a *Capias* of course ensueth, to pursue him from Countie to Countie, till hee bee found.

found, or outlawed; which was ever lawful against such as waved their Law and freedom, to answer it in its due court; and such a Certificate of the Sheriff of that Countie whence hee fled, ought to make to the Chancerie, whence hee had his Justices to determine the matter; and the Chancerie ought to send the *Capias* to the Sheriff in whose Countie hee doth *latitare*, & *discurrere*; and so the *alias Plures*, *Exigent*, and *Outlawrie*, till hee bee forced to return himself to the first Sheriffs, to have his caus determined there by his Peers, as it ought: all which, affording fifteen daies between Process and Process, is feasible in half a year; and what hee shall bee then found to have left of his personal estate, his creditors must have all, and two parts of his real; with less then

30 The Crie of Blond.

a tenth part of the fees and de-
 baies used at *Westminster*: which
 old custome of Law being resto-
 red, and so known, will make
 everie able debtor submit to
 Summons, and farther Process,
 especially Onelawries, more ter-
 rible and odious then now, when
 they are but scare-crows, rever-
 sible and extinguishable by their
 grantors, for their gain at their
 pleasures: For the debtor that
 is not worth the summoning, up-
 on the Sheriffs return of *Non
 est inventus, & nihil habet*, the Law
 is ended (as aforesaid) until
 God enable him. And in the
 interim, wheresoever hee lurk-
 eth, or liveth, by lawful endea-
 vours, *Cantabit vacuus coram la-
 trone viator*, no debtor justly in-
 debted, can, or ought to bee suf-
 fered by any just law, or equitie to
 make away his estate, before hee
 paie his just debts, for it is not
 his

his own, but his creditor's; and
such Conveiances ought to bee
adjudged fraudulent, although
the fraudulent makers of that
fraudulent Statute, have infer-
red the words *bona fide*, for them-
selves, and their imps, who ne-
ver had good faith or honestie to
expound for their profit, as a-
foresaid; for good faith can do
no man wrong, but fals Law-
yer's interpretations thereof, and
of the Law, commonly wrong
all men, and enrich onely them-
selves. The Lord Coke in the
Third part of his Institutes, upon
the Writ *de odio & atia*, decla-
reth these men to bee liars that
charge the Law, or its makers,
with more regard of men's debts,
then their liberties.

6. The sixth is of the same
stuff, and in substance answered
before. Do more Merchants
trade out of England by sea, be-
caus

canst it is an Island, then into it
 out of larger and Forrain lands,
 where the *Capias* for debt was
 never known? Do not these men
 buy wares upon trust, and trade
 to sea as often as the English?
 and having no *Capias*, have their
 creditors no Laws to recover
 their debts? is it not better to
 attach their debtor's goods, or
 their own in their hands, or o-
 thers, then their bodies? And
 so hath *London* used to do by Cu-
 stom, and other Towns and
 Ports ought to have don so af-
 wel; and the Law of the Admi-
 raltie hath its court of Justice
 within its jurisdiction. Will com-
 mon Lawyers, have no Law but
 their bastard the *Capias*, to range
 about by Sea and Land, like its
 its Grandfather the Devil, seek-
 ing whom it may devour? Nay,
 are not the words of the Writ
 of Summons, at the Common
 Law.

The Crie of Bloud. 33

Law, directed to the Sheriff, which any Major, or chief Magistrate of any Corporation, may upon complaint direct to Sheriff or Sergeant; *præcipe, &c. per bonos summonitores*; that is, I command thee to summon *A B, &c.* by good Summonitors, &c. and have their names, &c. and this Writ before mee by such a daie; And to what end? but that the Summonitors beeing two, or more of the ablest Freemen, or Pledges of the Jurisdiction, undertaking the Summons, undertake the goods till the Attachment ensue, if they cannot end the matter before, as neighbors bound in charitie so to do. But these *Westmonasterians* abhor that, and seem neither to know, nor willing to admit any charitable end, or other Law, but their *Capias* to catch and bring all fish to their net.

34 The Chief of Bloud

7. The seventh is but a chip of the sixth, and answered before, with this addition. Is there no trust, but where the *Capias* is, or can thrust it self? If it bee the cause of trust, Justice, Equitie, &c. and such a cause, as without which none of these can subsist (as they saie it is) and both legal and necessarie for this Common-wealth, that it seem's the onely Trustee thereof? Why is it not warranted, or suffered by these men themselves to peep into their Inns of Court, and Chancerie? places pretended to bee egress and ingress of Law, Justice and Equitie, and known to take upon trust more then all the Merchants of England can tell how to recover by the *Capias* against their persons, who make their Inns, and their Gaols of the upper Bench, and Fleet their Sanctuaries,

Quarles, more privileged then those that were so called and used by such debtors as made fraudulent gifts, feoffments, &c. and afterwards withdrew themselves thither, untill the second Statute made the second year of Richard the second, granted a *Capias* to ferret out such Latitants out of such Latebras; Such a ferret conceiv wee now, to bee necessarie for the Commonwealth, and especially for many undon Londoners, by trusting such debtors, or rather cheaters, to fetch them out of their profane Asylums, the Fleet, Marshalsey, their Inns, &c. instead of that by them commended for the use of the Commonwealth, and yet commanded not to meddle with themselves, or their habitations; as if they concluded themselves and theirs, to bee no part thereof, though well known

36 *The Crie of Blond.*

to bee all forfeited thereunto. But how irrational they shew themselves, when they offer reasons to a most wise and circumspect Parliament, to perswade them that can onely bee profitable to all, which is so unwelcom to them, that they cannot endure their own beagles that carrie it abroad, to bee their Inmates an hour longer then while they slave and pump them, and so make them as fit to bee their Mass-Priests, as their prolling Proctors.

8. The eighth sheweth these men's desires, as well to pervert the Word of God, as to subvert the Laws of *England*, and declareth their right as well to the Faggot, as to the Halter, and their fitness as well for Hell, as the Gallows. They blush not to saie, that they finde presidents and approbations in the Old and
New

The Crie of Bloud. 37

New Testaments, of like proceedings, and greater cruelties against debtors, amongst the Jews, then is used by them and their *Capias* here: And those (saie they) were condemned, neither by the Romanes, that loved Justice, nor by Christ. The first Scripture they cite, is *Matth. 5. 25.* where *whosoever is angrie with his brother without a caus,* is advised to leav his gift before the Altar, and bee reconciled to his brother first, and then offer his gift, lest at any time the Adversarie deliver him to the Judg, and the Judge deliver him to the Officer, and bee cast into prison; where Christ saith unto him, *Verily, I saie unto thee, thou shalt by no means com out, until thou paieest the utter most farthing:* wherewith agreeth *Lu. 12. 58. 59.* and both with the Parable of the non-solvent servant, *Mat. 18. 25.* & all these places
con-

conclude with the rest of the Scriptures, that the debt here meant to bee punished by imprisonment, was not a debt of monie borrowed for need, and lent for love, prophesied to bee don. *Dent. 15. 6.* and commanded *Matth. 5. and 42.* And therefore beeing no action of sin by the Old and New Testament, was liable to no action of Law, tending to personal punishment or imprisonment; but the debt meant here, was indeed the dutie of the Usurer, Extorter, Deceiver, Hypocrite, &c. to forgive their debtors their debts so accrued: But Usurie, Extortion, Briberie, &c. which were such heinous offences amongst the Jews, as still they are, or ought to bee with us, that they incurred mixt actions in Law worthis of arrests and imprisonments, till the uttermost farthing were

were paled, or restored, with
amends; *Levit. 6. 2, 3, & 4*, ex-
poundeth this debt to bee such
clearly, and no other. Our pe-
nal Laws for those offences,
which make the principal debts
void, and give the Plaintiff tre-
ble for damages, or according
to the Judge's discretion, carrie
shadow of that Justice. The
Context in *Matth. 5.* decla-
ring our Savior's speeches to the
Scribes and Pharisees, elsewhere
called Lawyers, Extorters, Dis-
semblers, &c. and here redargu-
ed of their unrighteousness, and
breaking of the Command-
ments, which they adjudged
death to others; accompting
killing onely such as was don
with the sword, and him to bee
subject to the judgment, where
they knew; that by their own
law, men that killed in their own
defence, had sanctuarie, & that the
word:

40 *The Crie of Bloud.*

word, Judgment. emphatically proceeded with the word The; is always used for the general Judgment of God: wherefore Christ telling them, that killing extend's to him that is angrie with his brother without cause, and elsewhere to him that suffereth his brother to perish when hee may save him; much more then to Fals Judges, Extorters, Usurers, &c. who may finde themselves sufficientlie described in him to whom his Lord forgave all his debt; (which in the last vers of this Chapter (as frequentlie elsewhere) is called as well trespass, as debt, because mixt, and compounded with sin, more then borrowing, or lending of monie) until hee extorted from his fellow-servant, who ought nothing to him, but to his Lord, upon whom he had not like compassion, as his Lord had

had upon himself, but grew angry with his fellow-servant without caus, and cast him into prison; which, when his Lord heard, he was wroth, and delivered the mad Extortor, not the meek Debtor to the tormenter, &c whereof let Extorters, Usurers, &c. take better notice, and applie the said Scriptures to themselves, and know that the Devil, called here emphaticallie the Adversarie, is he that delivereth them. (as the common accuser of sinners whom hee seduceth thereunto) to the Judge of Judges, and King of Kings, the God of Truth, Justice, and Mercie, who (except they say, and resolv to pay all, viz. repent, and have like compassion upon their brethren, as they expect from him) will deliver them to the Officer, as saith *Matthew* the 5. Tormentor, as saith *Mat-*

42 *The Gric of Bland.*

Matthew 18. viz. the Devil again, who supplieth all such offices, and delivereth all that are delivered to him, to Hell, whence is no Redemption, till the uttermost farthing bee paid, which is never to be don after the oil is out of the lamp, and the dore shut: Where contrariwise the Law of the Jews (which Christ saith hee came not to destroy, *Mat. 5. 17.* and neither did, nor would alter, as appeareth, *Mat. 18. 25.*) did not imprison monie debtors at all, but sell them, and their wives and children, and all they had to their creditors that were bound by the same law to keep, and finde them in their houses, and imploiments, not in prisons, and dungeons, without, and from all imploiment but wickedness, as our Gaolers do us; nor as these men impiousslie allege, and belie the
Holie

Holie Ghost, saying, That their creditors might take their debtor's cloaths, and bed-cloaths from them; where the Text they cite, (Lev. 25. 39.) saith, they must use them as brethren, hired servants, and sojourners (which we finde all the Old Testament over, had the trust, and charge, not onlie of their Master's estate, but of their children, and their wives, and wanted nothing suitable, not onlie to their own necessities, but also to their master's credits, and employments. And debtors were to be kept so by vertue of their sale, but till the year of Jubilee, which, when it fell within seven years in the time of *Moses*, restored them to their libertie; for without it, the seventh year they were to be restored, as appeareth, Deut. 15. 1. &c. And in *Jeremie's* time, at the sixth years end, Jer.

44 *The Crie of Bloud.*

34. 14. Now doth the Capias, Arrests, and Imprisonments used by these men, hold anie analogie with the mercie, justice, sustentation, freedom, and hope of libertie in few years, which the Jewish law afforded to those debtors they sold to their Creditors? Compare, and finde as followeth: There the debtors had the mercie to be no Prisoners at all, but as hired servants, and sojourners: The Justice, to bee no bondmen which masters might use at their pleasures: The sustentation; to have food and raiment enough, and competent to their conditions, and their masters callings: The freedom; to live, and love husbands, wives, and children all together; to pray, feed sheep, and work comfortable together in their masters houses, fields, vineyards, &c. with no less good
in-

instruction, and recreation to themselves, then profit and pleasure their masters, and hope of full libertie to make use of those good instruments for their own best advange at six years end, if a Jubilee freed them no sooner. Contrariewise; here the poorest debtor hath the cruellest imprisonment; that is the rule of these men's mercie: The greatest cheater hath the greatest favor; that is their Justice: The susten-tation wee would buy for our selvs at the best hand, while our monie last's, our Goalers take, or keep from us, to force us to buy half so much, and nothing so good of them, while wee have a pennie left; and after to starve; when others, for our Custom, would prolong our lives, with trust for a time, they will trust no poor man for a farthing; nor rich, but to fetch his monie. Our Freedom is not to the next

46 *The Crie of Bloud.*

Ward, nor in our own, to enjoy wives, or children, longer then they bring fees to the Gaoler; that when we have sold our cloaths, and bed-cloaths to feed our bloud-suckers, our common bed is the bare ground, till wee famish here, and our wives and children in the streets, and ditches, do the like; hope of libertie wee have none, but by such deaths; for our livelihoods are too little to pay our Fees from the dayes of our Arrests, to our Funeral: if anie attein to libertie by some casualtie, hee is the worst while hee liveth for his Gaol education. Our Law is derived from the *Romanes*, who (as these men say) condemned not the Law of the Jewes concerning Creditors, and Debtors; wee with ours were as merciful; and so it was before and since *Magna Charta*, when it medled not with men's bodies that had
not

not wherewith to pay their debts, but relieved, and imploied them according to their endeavors, forgiving their debts, and believing that of our Savior; if you forgive not men's trespasses, neither will my Father forgive yours, *Mat. 7. 12.* But these men that dare abuse the everlasting Word of the everliving God, and the fundamental Laws of this Land grounded thereupon, to mis-inform a Parliament to their own ends, notwithstanding they know wee have abundance of sound Divines to expound Scriptures, and some honest Lawyers, though no professors to explain Lawes. What shall wee think of these men's sinceritie to be trusted with the making up, and keeping of Records concerning the whole estates of the Common-wealth? but submit the consideration thereof to all interested therein.

48 *The Crie of Bloud.*

Their 9. Reason pursueth the former in its Coin; for most untrue it is, That men alwaies begin suits (meaning by way of Capias, and Arrest) upon necessities of injustice, that is to say; when no other trick will serv to bar men of their libertie to prosecute just suits for loss of lives, or estates of most concernment; or for Treasons, felonies, or trespasses most notorious, committed by night, and defended by injustice, what is more common then to arrest the prosecutors for supposed debts of thousands of pounds, more then they are able to find bail for, until Trials, and Judgments be carried against them in the causes they should follow by the same hands of Power and Justice, that they should prosecute, but cannot, being so prevented. And how manie are now imprisoned for supposed debts, which they
never

never ought, or if they did, have paid, or which were not due at the time of the Arrest, &c. And what necessitie of Justice was to begin such suits? And what murther more wilful, more manifest, and more cruel, then to imprison men so till they die? And where they say, that most commonlie debtors have notice before any suit be commenced, why then do they debar summons, which is the right process of notice? How come Justices of Peace, and Grand Jurie men, that alwaies attend Assizes and Sessions, to be arrested by bills of middle Latitats, and Outlawries, before they can hear of anie suits against them? which case is common. And for their alleging of manie Statutes, or Parliaments, that approved of their Capias, let them name one more then that of 25 Edw. 3. 17. which gave it, and was repea-

50 *The Crie of Blood.*

led, 28 Edw. 3. 3. and 42 Edw. 3. as
aforesaid. What Statute, or Par-
lament, ever since revived it in
expresse terms? It is true, That of
19 Hen. 7. 9. ordeineth process
upon Actions of trespass upon
the case to bee no more delatorie
then that practised for debt.
And wee grant that actions upon
the Case, being mixt acti-
ons, ever ought to have been
by Capias before that Statute,
however neglected by such as
ever left undon those things
which they ought to have don,
to do those things which they
ought not. And that summons is
a milder way, and not so compul-
sorie: as the Capias, wee con-
fess, and hold more Christian;
for the Capias compelleth men
that are not able to pay their
debts, and that never ought anie,
to be imprisoned, starved, mur-
thered: And no just debt to bee
paid so soon as summons, all the
world.

world knoweth thereof, and therefore no Nation but *English* admitteth a Capias for debt.

The 10. is as deceitful an information as anie before that; for wee desire no new way upon summons, to hasten Judgments before Attachments and distress, by affidavit of a summoner: but that summons may go by Writ, as it was wont, to the Sheriff of the Countie wherein the debtor dwelleth, requiring him by good summonitors (which are the words of the Writ) to summon the partie to bee at the return of the Writ, in the Court whence it issued, whether the Sheriff is to return both the writ, and the summonitor's names, in that ought to be substantial free-holders, and free pledges of the same decenarie as the debtor, who, if they return *summonitus*, are answerable for so much as they finde him worth, till At-

D 4. tach-

52 The Crie of Bloud.

attachment taketh it into the Sheriff's hands, or sureties for appearance. If the return bee a *nihil habet*, then (as aforesaid) the Law ought to look no further after him, till God make him able: for (as the Proverb was) where nothing was to be had, the King was to loof his due. And if the return bee *non est inventus*, his shunning of the Law maketh him a malefactor, subject to a *Capias* upon a *Testatum* directable to the Sheriff of the Countie wherein he lurketh, and so from Countie to Conntie, till bee bee taken, or out-lawed. Again, if the return be *summonitus*, Attachment, distress, and Judgment follow of cours, legallie, and speedilie, and are the onlie due process of Law, as wee have declared before; and so is not a Judgment by *nihil dicit*, stolne by connivence of Attornies, unknown to the Defendant, although

though his warrant of Attornie
bee had to appear for him: a
common feat countenanced too
much by the Law at *Westminster*,
to thousands undoings, and their
own gain. For trial by Jurie,
Issues joined, cannot bee tried o-
therwise, *Nibil dicits*, & Arrests
by *Capias* use them not: For mul-
tiplicitie of Suits and Perjuries,
they were things never found
fault with at *Westminster* these
200 years, till now. And now if
the *Chancerie* grant Justicieses to
Sheriffs and Stewards, as they
ought, *gratis*; and Corporations
proceed by their Charters, *West-*
monasterians need not fear to bee
troubled with multiplicitie of
Suits; and those growing fewer,
so will their perjuries.

11. The eleventh is a toie;
for wee grant that a *Capias ad*
respondend. beeing unlawful, that
ad satisfaciend. is groundless, and
both most lawless, and useless;

54 *The Crie of Bloud.*

the due proceſſe of law for debt being as aforeſaid, ſummons, &c.

12. The twelfth is a Riddle and a Paradox, wherewith theſe men would amaze us with ſom wonders of their experience hapned by this Common-wealth by the benefit of their *Capias*, which they call the Proceſſe of Arrest, *Anno Domini* 1267, & 1350. They might have done well to declare their particulars, that others that know them not, might judg thereof as well as themſelves. Wee confeſs, and they know the Arrest, Imprisonment, Exile, and Hanging of Traitors, Extortioners, &c. as were the *Spencers*, Father and Son; the Judges *Hugh d' Burgo*, *Trefilian*, &c. who ſeduced Kings, as theſe men would Parlament, were beneficial to this Common-wealth; and wee hope it will bee ſo again, though wee know not

not how long the Devil may help his servants: but of poor debtors wee can remember no arrest that was ever beneficial to any one person of this Commonwealth, but have sufficiently proved the Negative.

13. Lastly, for the subtilties, and subterfuges of debtors, wee know none more then these men; and their predecessors taught such as grew indebted, and by their natural inclinations, assisted with these men's advices, and devices, far more subtle then their own, to cheat men of their Lands and Estates; and by the credits of their sureties, that took them to be honest men, until too late, they found the contrarie. Wee confess it is true, that such debtors by the helps of such teachers, became so subtle, as to get in their hands all they could of their Creditor's rights, and conveyed them to what

56 *The Crie of Bloud.*

what uses they pleased; and procuring themselves afterwards to bee arrested, where they might bee brought, or removed to the upper Bench, or *Fleet*; made those places their sanctuaries and subterfuges, where they are many thousands in list, but few in custodie, riding, rioting, and spending their Creditor's and Suretie's Estates, sometimes at their own doors, who want for their sakes those blessings to relieve them, which they vainly consume to out-brave them; and sometimes in parts remote and Forrain, more active against this Common-wealth, then for it.

The premises tenderly considered, and for that these men, by these their endeavors declare themselves, and their Judges, and the rest of their rabble, to bee of one fraternitie; and all parties in this matter of our wrongful imprisonments, and guiltie of all

all the Extortions and Oppressions concurrent therewith, and livers, and thrivers thereupon; and therefore no fit Judges in these causes, as further appeareth by their lothness to submit, or give waie to the Hous, whereof they are over-ruling members, to perform their promises to your Excellence in our behalfe, made many years past, or to restore us, and themselves, to our birth-right, liberties, and freedom, whereof they have robbed us, but are ashamed so to do like thieves and intruders, to deliver their possessions to the right owners. May it therefore please your Honor, in our further behalfe, to cause the Hous once more to be moved to grant a Commission under the Great Seal, directed to indifferent Commissioners, that shall be no professed Lawyers, Attornies, &c. or persons engaged to publick

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lick employments, Martial, or Civil; but men of understanding, and discretion, undoubted honestie, well-affected to the present Government, to bee nominated by us, and approved by any two, or more Parliament-men; autorising everie two, or more such Commissioners, (not exceeding twelv in all) to deliver all the Gaols of *England* and *Wales*, of all prisoners for debt, forthwith without delaie, compelling all that are able, to paie all or part of their just debts, to paie accordingly, so far as all their goods, (except the beasts of their plough, tools of their trade, and necessarie cloaths and bedding) and two parts of their Lands shall extend, notwithstanding any Conveiance of any such Lands since the debts grew, (except distributions between real Creditors.) And to hear and determine all wrongful Imprisonments,

sonments, Extortions, Briberies, Usuries, Perjuries, Forgeries, Frauds, Deceits, Trespasses, or Oppressions whatsoëver, concerning such prisoners onely, committed, or to bee committed by any person or persons whatsoëver, against them, or any of them, or by any of them against any of their Creditors, throughout *England* and *Wales*, according to the antient Laws and Customs of *England*, confirmed by the great Charter, and Petition of Right, to endure for three years from the date thereof; allowing everie such Commissioner 300^l per annum, above his necessarie expences, for his salarie, in consideration of his pains, and loss in his time, and private affairs; and such fees, and allowances to their Clerks, Messengers, and other necessarie Ministers, as any three of them shall think fit, not exceeding the presidents
of

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of other Courts, in like cases, to bee deducted out of such fines, amerciaments, issues, profits, and perquisites, as shall grow due to the Common-wealth, by their service, as other Courts use to do; and the rest to bee accounted for, to such other publick uses, as the House shall appoint: Which beeing don by your means, the Land shall bee purged of much iniquitie, the Lord's wrath for the same much appeased, your Excellencie, and your Armie gain much happiness, love, and honor, divine, and humane, temporal, and eternal; the Common-wealth regain a Million of monie picked out of their purses by Extorters, Usurers, and common Deceivers; and your Petitioners bee at libertie to fight for their Countrie, and safeguard of those lives of their own with courage and comfort, which as yet they have

no hope but to lose with care,
and sorrow.

And they, and theirs, as in dutie
bound, shall ever praie, &c.

A Case concerning a matter of Justice.

TO the premises I must add
another Case of no less perspicuitie and manifestation of our Lawyer's actions, then the former, briefly thus; A Gentleman of *Drurie-lane*, ever faithful to the Parliament's service, and an adventurer of his life and fortunes therein, imparted for their use and the Common-wealths, 3600^l readie monie, upon condition to bee repaied, with lawful consideration, in convenient time, to supply his own occasions, much subject to oppressions and injuries offered unto him by Lawyers, and their Clients; in
which

which respect it pleased the Parliament to take him into their protection, which hee conceiveth Lawyers sitting Members in the House, advised or consented to bee don, and granted as a lawful and just thing; or had it been otherwise, would have advised the contrarie, and never consented to the same. Now the Gentleman (having received none of his monie, nor any consideration for any part thereof, is forced to borrow monie upon hard terms, of Use, and other Engagements, to buie his Leases late held of the Bishoprick of Elie, to prevent others to deprive him thereof, beeing his main subsistence,) can have no benefit of his protection, from any of them that granted it, or of those Courts wherein they are imploied, and eminently autorised; and the Gentleman and his Estate daily and unduly questioned, yet desireth

reth hee no more then his own,
to defend himself from injustice,
or to bee protected therefrom,
until hee hath his own, and ju-
stice with it, or for it; or that
hee may bee satisfied how neces-
sarie it is, or can bee to this Par-
lament and Common-wealth, or
either to have these men, these
Counsellors, these Advisers, or
rather Devisers of frauds, and
subtleties to delude Truth and
Justice, that will counsel, advise,
devise, or consent things to bee
granted, which they will not
justifie to bee performed by them-
selves, (except that as in cases of
common concernment, wherein
the partie most suffering ought to
have negation from all) Strata-
gemes are tolerable in war, con-
tinued or tolerated in place or
power, to mis-guide Parla-
ments, as their predecessors have
don Kings in times of peace, or
to bee sole Judges or Interpreters
of

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of their own inventions; no less dangerous to this Republick, and their Estates, then the Exposition of Papistical Impostures, while it was left to the autors, was to our predecessors and their souls. All which is humbly submitted to your Honor's further consideration, with the rest as aforesaid; by the same

Your Honor's

faithful servant,

and observant,

Jo. Jones.

A

A Case concerning Tythes.

FOR the further manifestation of the lawless Imposture, and usurpation of Jurisdiction, Arbitrarie proceeding, and destruction of Proprietie, exercised daily, and generally by Judges, and no Judges at Westminster, and in their Circuits to the debere detation of many, and hazard of all; may summarily appear in that one Case lately adjudged by no Judges legally authorised thereunto, between Sir Matth. Lister Knight, Plaintiff, and Lionel Gelson, Defendant, published in print, partly by Petition, partly otherwise, by the modest and discreet wife, and fellow-sufferer of the Defendant, in the Cause of Ann Gelson: the brief whereof is this; the Plaintiff beeing possessed of the Tythes of a Rectorie, called Burwel, in the Countie of Lincoln, an Impropriation, somtimes parcel of the dissolved College of Totterhal
in

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in the said Countie, by virtue of a Conveiance derived from a Grant of King H 8. in which it is mentioned that the said King gave that Rectorie (cū pertinentiis inter alia) to the then Duke of Suffolk, and his heirs. And becaus it is there further mentioned, that the said King gave also to the said Duke the Presentation of the Rectorie of Walmsgate, which is a Parish of it self in another Decenarie, and Wapentack of the said Countie, distinct from, though neighboring to that of Burwel, and founded by the Lord of the Manor of Walmsgate, who then was (as yet the Defendant who claimeth from him, is) Lord of all that Parish in Fee-simple, and gave the Tithe thereof (as well his own, as his Tenants at will) to the Rector for the time beeing, and his successors for ever, reserving to himself, and his heirs for ever, the Patronage and Presentation; so that when there hapned a neglect of Presentation in him,

him, or in his heirs, the right thereof fell by laps to the Bishop of Lincoln, and upon his neglect, to the King; which beeing so then, in King H. 8. hee might grant for that time to the said Duke: But saving for that time, or the like relaps, the inheritance descended to the Defendant. Now this Inheritance from the Defendant, and Tithes from the Incumbent, and his Farmer, are adjudged to the Plaintiff, by Judges and Jurors, according to the course of Common Law, (as they pretend) whereas by the Statute 2 Ed. 6. 13. and many presidents, no right of Tithes ought to be tried but by Ecclesiastical Judges, and Courts according to Ecclesiastical Laws; which, though now abolished, the said Statutes beeing not repealed, the Judicature is obeyed, and yet undisposed of by the Parliament, which onely can dispose thereof. But in the interim, such Judges and Jurors, as assume jurisdiction to trie the rights of Tithes

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Tythes by Common Law, are no Judges, but offenders in Premunire; such trials, no trials, but arbitrarie and lawless Disseisins, and destructions of men's properties; and consequently (if not timely remedied) of the common libertie, rights, and birth-rights of all the Commonaltie of England; And the Defendant can but fear to bee deprived by the same cours, of his whole Manor, and subsistence, as well as hee is of part.

FINIS.

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